



CONFIDENTIAL

DEPARTMENT OF STATE

Washington, D.C. 20520

Wed., Nov. 21, 1979

930

November 20, 1979

MEMORANDUM

TO : Ms. Derian

FROM : Patrick J. Flood

SUBJECT: A Few Problems with ARA

~~Department of State, A/GIS/IPS/SRP~~

Change to

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Exemptions b () () E.O. 13526 25x () ()

Declassify after

With concurrence of:

IPS by ☒ obtained ☒ not obt. ☒

Date 11-21-86

1. Clandestine prisoners cable. In mid-May, I drafted and sent to ARA/ECA for clearance a 2 paragraph telegram asking Embassy Buenos Aires for additional information on the subject of clandestine prisoners. ECA did not respond. Oral follow-up queries were answered by "we've just haven't had time to focus on this yet." After a few weeks, an officer said ARA objected to the tone of the cable. I prepared a new draft and sent it to ECA. ECA acknowledged receipt and said the new draft would be studied. After several efforts to elicit a substantive response, I was told that the draft has mysteriously disappeared. I immediately sent another one. A week or so later, ECA Director Ruser proposed further changes, to which I agreed on the spot. CR said he would have to clear the new text with the ARA front office. My follow-ups in succeeding weeks finally produced a response that all drafts had again been lost. I sent ECA another copy. No response. Finally, after receiving a cable from the Embassy in early August reporting that "there is informal speculation that some of the remaining (clandestine) prisoners are being killed," I drafted a new cable. As ARA again declined to clear the message, Ms. Derian raised the matter with the Secretary - who promptly approved it with only minor changes. Total time: just under 3 months.

2. Joint Briefing Memo on Argentina. In an effort to establish better cooperation with ARA, I proposed in late May that the two bureaus prepare and submit a joint briefing memo to S & D on major human rights develop-

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ments during the preceding months. The desk officer and I exchanged drafts and ideas and reached agreement on a text within a couple of weeks. This 4-page text was cleared at the Office Director and DAS level in HA. However, the ARA Front Office (JBushnell) insisted on including a 1 1/2 page "summary" which almost totally ignored the human rights abuses described in the text and highlighted signs of "improvement." We rejected this on the grounds that it was one-sided and that no summary was necessary. ARA remained adamant that the memo must have a summary. We subsequently agreed to include one if ARA would agree to changes which more accurately reflected the text to which it was attached. Further protracted negotiations ensued before we settled on a text. Then, when we thought we finally had it wrapped up, the ARA Front Office inserted a new demand: they wanted a one-sentence "summary of the summary" to lead off the paper. The proposed sentence, of course, clearly set a "things are getting better" tone. It took several more days before ARA agreed to drop this latest demand. The memo finally went to S&D in late July.

Elapsed time: 2 months.

3. Action Memo on Agriculure. In June, we sent a draft action memo on proposed USDA activities in Argentina to ARA for clearance. As ARA (front office) refused to clear the memo as written, we invited them to write in a dissenting view and discuss the phrasing of the issue and the "essential factors" section. Despite numerous oral follow-ups and one or two desultory nit-picking sessions, ARA managed to delay action on the paper until it was O.B.E.

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TO: The Secretary
 FROM: HA - Patricia M. Derian
 ARA - John A. Bushnell, Acting

ISSUE FOR DISCUSSION

Whether to recommend to the President that he receive Jacobo Timerman during Mr. Timerman's October 30-31 visit to Washington.

ESSENTIAL FACTORS

Jacobo Timerman, former editor and publisher of the Buenos Aires newspaper *La Opinion*, was jailed, tortured, found innocent of all charges by both the civilian and military courts, released from house arrest on September 25, expelled from Argentina, and stripped of his Argentine nationality. Mr. Timerman joined his family in Israel. He will come to New York on October 29 to accept the Hubert H. Humphrey Freedom Prize awarded to him by the Anti-Defamation League of B'nai B'rith. Mr. Timerman will travel to Washington for meetings on October 30 and 31 with Members of Congress and other persons who had worked for his release during his 2½ years of detention.

Mr. Timerman has asked to meet with President Carter in order to thank the President for his and the Administration's efforts on his behalf. The President raised Mr. Timerman's case with President Videla when the latter was in Washington for the Panama Canal Treaties signing ceremony. You also reviewed his case in detail during your visit to Argentina in November 1977. Under Secretary Newsom and Assistant Secretaries Todman and Derian and especially Ambassador Castro reiterated our concerns on numerous occasions. Timerman's release has caused the position of the moderates within the Argentine leadership to become more vulnerable to hardline criticism and pressures and thus possibly reduced their ability to effect further progress on human rights, according to our Embassy in Buenos Aires. Army CINC Viola told Ambassador Castro the decision to release Timerman had precipitated serious dissension within the military ranks and that

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movement on other cases of U.S. interest, such as the continued detention of Jaime Lokman and Horacio Saragovi -- two cases raised frequently by U.S. Jewish groups here -- would be delayed until the discontent settled down. Senior military leaders originally voted 6-3 against Timerman's release; to reverse the decision, President Videla, the civilian Minister of Justice, and the entire Supreme Court threatened to resign. A few days later, hardline General Benjamin Menendez attempted a coup because, he said, the Videla government was compromising the goals of the "revolution". Evidence of such compromise, he suggested, included the release of Timerman, the failure to continue the war against subversives, the expansion of the rule of law, and toleration of court orders returning subversives to their jobs.

The Argentine Embassy here is deeply concerned over Timerman's visit to Washington; in its view, his appearances and public criticisms of the Argentine government could have serious repercussions for the position of the moderate Argentine leadership. Moreover, the World Jewish Congress is concerned that Timerman's criticism of Argentina could trigger a wave of anti-Semitism in Argentina which would adversely affect the Jewish community there. Rabbi Rosenthal of the B'nai B'rith also reports that an article appeared in the Buenos Aires Jewish community newspaper "La Luz" which was highly critical of Timerman's views.

OPTION

Recommend to the President that he receive Mr. Timerman for a brief visit.

Pros

-- For many people in the U.S., Argentina and abroad, Jacobo Timerman's two and one half year detention came to symbolize Argentina's human rights situation. His outspoken criticism of human rights violations made him the country's leading dissident, and his subsequent arbitrary arrest, torture and prolonged detention made him the most prominent victim of human rights abuse. Many regard him as a Latin American parallel to Solzhensitsyn and Sakharov.

-- Within the U.S., strong Congressional and public interest developed in Timerman's case. Numerous articles appeared in the press, including countless

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editorial columns and an essay by Timerman's son this summer in Newsweek, and important nongovernmental organizations joined their voices in the general protest. His release was front page news in the major dailies.

-- A meeting with Mr. Timerman would provide the President an opportunity publicly to welcome his release and to reaffirm our Government's hope that it marks the beginning of new moves by the Argentine Government to restore greater respect for human rights and the rule of law.

-- The Anti-Defamation League of B'nai B'rith initiated this request.

-- Such a meeting would also provide fresh public evidence of the Administration's continuing high-level commitment to the promotion of human rights as a central element of U.S. foreign policy.

-- As Mr. Timerman's visit will be the focus of considerable public and press attention in Washington and will include visits to the Congress, a meeting with the President would seem appropriate. If, on the other hand, he is not received at the White House, the omission will be widely noted.

Cons

-- The U.S. Jewish community appears to be divided on how Timerman should be received during his visit in the United States; the Argentine Jewish community appears not to support him at all.

-- Because of the increased publicity and credence a meeting with the President would give to Timerman's condemnatory statements, the probability of an increase in anti-Semitism due to public backlash would be intensified.

-- A meeting with Mr. Timerman would seriously irritate Argentine military leaders, complicate the position of the moderates within the regime who are seeking progress on human rights, and jeopardize our effectiveness on other human rights cases.

-- The conviction widely held within the GOA that positive reaction to U.S. approaches, such as took place in the Timerman case, ultimately will work to Argentina's disadvantage, will be strengthened, seriously affecting those cases that remain.

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Recommendation

That the President meet with Jacobo Timerman.

Approve (favored by HA) _____

Disapprove (favored by ARA) _____

Drafted: ARA/ECA: GJWhitman; HA/HR: PFlood: mas
10/25/79 X29166 X21180
Clearances: HA/HR: CSalmon, Jr.
ARA/ECA: CWRuser

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IPS by A obtained not obt.
Date 12-2-16

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MEMORANDUM FOR DR. ZBIGNIEW BRZEZINSKI
THE WHITE HOUSE

Subject: Proposal that the President Meet with
Jacobo Timerman

Jacobo Timerman, the Argentine newspaper editor and publisher who was recently released from house arrest and expelled from Argentina, will travel to New York on October 29 to accept the Hubert Humphrey Freedom Award from B'nai B'rith. Mr. Timerman has asked to meet with President Carter on October 30 or 31. We believe such a meeting should take place in light of President Carter's personal intervention with President Videla on behalf of Mr. Timerman.

The Timerman case has attracted widespread interest and sympathy in this country among private groups, Members of Congress, and the general public. His visit to Washington will be the focus of considerable public and press attention and will include meetings with Members of Congress. For many people in the U.S., Argentina, and abroad, his case symbolized the human rights situation in Argentina. A meeting with Mr. Timerman would provide the President an opportunity publicly to welcome Mr. Timerman's release and to express our Government's hope that it marks the beginning of new efforts by the Government of Argentina to restore respect for human rights and the rule of law. The meeting would also provide fresh public evidence of the Administration's continuing high-level commitment to the promotion of human rights as a central element of U.S. foreign policy.

The attached paper provides background information on Mr. Timerman's detention and on efforts to secure his release.

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Peter Tarnoff
Executive Secretary

Attachment:

As stated.

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Clearances:
HA/HR: CBSalmon, Jr.
ARA/ECA: GWhitman (subs)
HA: PDerian (drafting)

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BACKGROUND ON THE TIMERMAN CASE

Jacobo Timerman, publisher and editor of the Buenos Aires newspaper *La Opinion*, was detained by Argentine security forces in April, 1977. He was held incommunicado for several months and severely tortured during that period. Although a military court found Mr. Timerman innocent of any wrongdoing, he remained in prison by executive order. The Argentine Supreme Court subsequently ruled last year that no legal basis existed for his continued detention. The Executive, however, ignored this ruling and merely transferred Mr. Timerman from prison to house arrest. Armed guards occupied his apartment, and he was permitted few visitors or contact with the outside world other than his family and his rabbi. He was forbidden, of course, to leave the apartment and was unable to attend his son's wedding in Israel earlier this year or to accept the Hubert Humphrey Freedom Award from R'nai B'rith in New York this summer.

Because Jacobo Timerman had earned a reputation for excellence in journalism and for his honest and courageous portrayal of human rights abuses, his arrest and continued detention drew widespread criticism in international journalistic circles, as well as among Members of Congress and other important sectors of American opinion. His continued deprivation of liberty, after having been fully exonerated by the courts, clearly illuminated the Military Junta's arbitrariness as well as the impotence of the Argentine judiciary in the face of flagrant abuses. His case came to symbolize the plight of the thousands of Argentines who have been deprived of their liberty during the last 3-1/2 years, of whom about 1400 remain in executive detention.

Considerable Congressional and public interest developed in this case. Numerous articles appeared in the U.S. press, including countless editorials and an essay by Timerman's son this summer in *Newsweek*, and important nongovernmental organizations joined their voices in the general protest. His release last month was front-page news in the major dailies.

The President raised Mr. Timerman's case with President Videla when the latter was in Washington for the Panama Canal Treaties signing ceremony. Secretary Vance

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reviewed his case in detail when he visited Argentina in November of 1977. Under Secretary Newsom and Assistant Secretaries Todman and Derian and others reiterated our concerns in the interim. Ambassador Castro interceded energetically on every possible occasion with the highest levels of the Argentine Government in an effort to secure Mr. Timerman's release.

In a decision made public September 25, the Argentine Supreme Court ruled that Timerman's continued detention was illegal and ordered his release. On September 25, Timerman was expelled from Argentina by the military junta in accordance with a decree which also stripped him of his Argentine nationality. Timerman departed for Israel, where he was joined by his family.

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MEMORANDUM FOR DR. ZBIGNIEW BRZEZINSKI
THE WHITE HOUSE

Subject: Proposal that the President Meet with
Jacobso Timmerman

Further to our memorandum of October 29 recommending that the President receive Jacobo Timerman, it should be noted that Timerman, upon receiving the B'nai B'rith's Hubert Humphrey award in New York yesterday, commented that he would "prefer not to speak about his experiences in Argentine jails." Earlier in the day, he had cancelled a scheduled press conference, explaining that it would only harm persons and institutions with which he was associated in Argentina. We believe Timerman's apparent decision not to denounce publicly the GOA greatly reduces the possibility of adverse repercussions his visit to the U.S. might have within the Argentine military leadership.

The attached revised background paper supersedes the one enclosed in yesterday's memorandum and includes an assessment of recent political developments surrounding the GOA's decision to release Jacobo Timerman.

Peter Tarnoff
Executive Secretary

Attachment:

As stated.

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~~CONFIDENTIAL~~BACKGROUND ON THE TIMERMAN CASE

Jacobo Timerman, publisher and editor of the Buenos Aires newspaper La Opinion, was detained by Argentine security forces in April 1977. He was held incommunicado for several months and severely tortured during that period. Although a military court found Mr. Timerman innocent of any wrongdoing, he remained in prison by executive order. The Argentine Supreme Court subsequently ruled last year that no legal basis existed under the state of siege powers of the Constitution for his continued detention. The Executive, however, used its powers under the Institutional Act of 1976 (under which the regime defined its powers) to continue his confinement and merely transferred Mr. Timerman from prison to house arrest. Armed guards occupied his apartment, and he was permitted few visitors or contact with the outside world other than his family and his rabbi. He was forbidden, of course, to leave the apartment and was unable to attend his son's wedding in Israel earlier this year or to accept the Hubert Humphrey Freedom Award from B'nai B'rith in New York this summer.

Because Jacobo Timerman had earned a reputation for excellence in journalism and for his honest and courageous portrayal of human rights abuses, his arrest and continued detention drew widespread criticism in international journalistic circles, as well as among Members of Congress and other important sectors of American opinion. His continued deprivation of liberty, after having been fully exonerated by the courts, clearly illuminated the Military Junta's arbitrariness as well as the impotence of the Argentine judiciary in the face of flagrant abuses. His case came to symbolize the plight of the thousands of Argentines who have been deprived of their liberty during the last 3-1/2 years, of whom about 1400 remain in executive detention.

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The President raised Mr. Timerman's case with President Videla when the latter was in Washington for the Panama Canal Treaties signing ceremony. Secretary Vance reviewed his case in detail when he visited Argentina in November of 1977. Under Secretary Newsom and Assistant Secretaries Todman and Derian and others reiterated our concerns in the interim. Ambassador Castro interceded energetically on every possible occasion with the highest levels of the Argentine Government in an effort to secure Mr. Timerman's release.

In a decision made public September 25, the Argentine Supreme Court ruling on Timerman's case a second time, found that Timerman's continued detention was illegal under the terms of the 1976 Act and ordered his release. On September 25, Timerman was expelled from Argentina by the military junta in accordance with a decree which also stripped him of his Argentine nationality. Timerman departed for Israel, where he was joined by his family.

Timerman's visit to the United States has serious political implications for the Argentine leadership; his release made the moderates within the regime more vulnerable to hardline criticism and pressures and thus possibly has reduced their ability to effect further progress on human rights. Army CINC Viola told Ambassador Castro the decision to release Timerman had precipitated serious dissension within the military ranks and that movement on other cases of U.S. interest, such as the continued detention of Jaime Lokman and Horacio Saragovi -- two cases raised frequently by U.S. Jewish groups here -- would be delayed until the discontent settled down. Senior military leaders originally voted 6-3 against Timerman's release; to reverse the decision, President Videla, the civilian Minister of Justice, and the entire Supreme Court threatened to resign. A few days later, hardline General Benjamin Menendez attempted a coup because, he said, the Videla government was compromising the goals of the "revolution". Evidence of such compromise, he suggested, included the release of Timerman, the failure to continue the war against subversives, the expansion of the rule of law, and toleration of court orders returning subversives to their jobs.

Timerman wishes to express his appreciation to the U.S. Government for its assistance in his case. At the same time, too high a profile for Timerman could make more difficult the release of some other

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